

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-7814

MITCHELL LEE SUMPTER,

Plaintiff - Appellant,

versus

STUCKEY, Major; A. MCCORMICK, Captain; L. T.
JACKSON; S. NOLAN, Lieutenant; MCCLAIN,
Sergeant; W. B. PRATT, Captain; MCLEOD, C/O,
Officer; DAVID, C/O, Officer; COVINGTON, C/O,
Officer; SUGGS, C/O, Officer; OCEAN, C/O,
Officer,

Defendants - Appellees,

and

ROBERT E. WARD, Warden; PHILLIP E. MCLEOD,
Associate Warden,

Defendants.

Appeal from the United States District Court for the District of
South Carolina, at Charleston. Joseph F. Anderson, Jr., District
Judge. (CA-96-1838-2-17)

Submitted: July 2, 1998

Decided: July 21, 1998

Before NIEMEYER and HAMILTON, Circuit Judges, and HALL, Senior
Circuit Judge.

Affirmed by unpublished per curiam opinion.

Mitchell Lee Sumpter, Appellant Pro Se. Robert Thomas King, WILL-COX, MCLEOD, BUYCK & WILLIAMS, P.A., Florence, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Mitchell Sumpter, a South Carolina inmate, filed an action under 42 U.S.C. § 1983 (1994), alleging that various South Carolina prison officials violated his rights under the Eight Amendment. Following a non-jury trial the district court entered judgment in favor of the Defendants. This appeal followed.

We reject Sumpter's claim that he was denied a fair trial because safety precautions mandated that he wear restraints throughout his trial. Although Sumpter may have suffered some discomfort from wearing the restraints, the absence of a jury minimized any potential prejudice. See Lemons v. Skidmore, 985 F.2d 354, 357 (7th Cir. 1993). We find that the district court properly dismissed Sumpter's claims for which he failed to present evidence that he suffered more than de minimis injuries. See Norman v. Taylor, 25 F.3d 1259, 1263 (4th Cir. 1994).

Sumpter next challenges the district court's finding that he failed to demonstrate that the Defendants used excessive force against him. We review a district court's findings of fact for clear error. Fed. R. Civ. P. 52(a). Having reviewed the record, we find no error in the district court's determination that the Defendants did not use excessive force against Sumpter in violation of the Eighth Amendment. The record also supports the district court's finding that the Defendants did not act improperly in erasing a videotape of the incidents giving rise to this case.

Finding no merit to Sumpter's claims, we affirm the district court's final order entered in favor of the Defendants. We dispense with oral argument because the facts and legal contentions are adequately before the court and argument would not aid the decisional process.

AFFIRMED